

CHARLIE BAKER
Governor



KARYN POLITO
Lt. Governor

FOR IMMEDIATE RELEASE:

March 14, 2019

CONTACT

Brendan Moss

brendan.c.moss@massmail.state.ma.us



Baker-Polito Administration Brings Awareness to Dangers Of Illegally Driving Under The Influence

Broad coalition of stakeholders endorse Administration's impaired driving proposal

BOSTON – Governor Charlie Baker today joined Administration officials, public safety leaders and advocates from both the public and private sector to bring awareness to the dangers of driving under the influence of alcohol or drugs. The group also highlighted a campaign to educate cannabis users about the dangers of driving impaired, and legislation filed by the Baker-Polito Administration to strengthen the state's impaired driving laws.

Governor Baker was joined by public safety advocates Keith Cooper, President of the Cannabis Dispensary Association, and Colleen Sheehey Church, Public Policy Liaison for the Foundation for Advancing Alcohol Responsibility in support of this legislation, as well as Cannabis Control Board, Massachusetts Municipal Police Training Committee, and State Police officials.

"Driving impaired is both illegal and dangerous, and represents a significant threat to public safety," **said Governor Charlie Baker.** "In addition to working with public safety officials to enforce existing impaired driving laws, our Administration has also introduced legislation that will equalize the treatment of alcohol and drugs with respect to driving under the influence, and give law enforcement more tools and resources to keep our roads safe."

"This legislation will encourage more responsible driving habits and will ensure law enforcement has the tools necessary to hold accountable individuals who endanger the public," **said Lt. Governor Karyn Polito.** "By enacting this legislation and by working with our partners in the public safety community, we can ensure safer roads in communities across Massachusetts."

The Baker-Polito Administration's bill is based on recommendations made by the Special Commission on Operating Under the Influence and Impaired Driving. The Special Commission is composed of a

diverse set of stakeholders and experts, including police, prosecutors, medical and toxicological professionals, and representatives of the criminal defense bar and civil liberties community.

The proposed legislative changes in the bill include:

- Adopting implied consent laws to suspend the driver's licenses of arrested motorists who refuse to cooperate in chemical testing for drugs, as existing law has long required for arrested motorists who refuse breath testing for alcohol.
- Adopting a statute authorizing courts to take judicial notice that ingesting THC, the active chemical in marijuana, can and does impair motorists.
- Directing the Municipal Police Training Committee (MPTC) to expand the training of drug recognition experts and allowing them to testify as expert witnesses in civil and criminal cases.
- Prohibiting drivers from having loose or unsealed packages of marijuana in the driver's compartment of a vehicle, under the same provision of the motor vehicle code that has long prohibited driving with open containers of alcohol.
- Recognizing the effectiveness of the horizontal gaze nystagmus test, shown through scientific research to be the single most reliable field sobriety test.
- Empowering police officers to seek electronic search warrants for evidence of chemical intoxication, as is the practice in over thirty other states. Any blood draw would have to be authorized by a neutral magistrate after a showing of probable cause, and would be performed by a doctor, nurse or other appropriate medical staff at a health care facility.
- Developing educational materials and programming on drug impairment to share with trial court judges.

Today's event is part of an innovative partnership between public and private organizations to educate cannabis users about the impact of driving under the influence of marijuana. The effort will include the distribution of educational material at both recreational and medical cannabis dispensaries – a collaborative project undertaken by the Executive Office of Public Safety and Security (EOPSS), the Massachusetts Cannabis Control Commission, AAA and the Commonwealth Dispensary Association.

The educational material, which will be inserted into marijuana product bags, will include the following messages:

- Like alcohol, marijuana impairs driving skills, slowing reaction time, coordination and decision-making.
- Operating a motor vehicle while under the influence of marijuana, regardless of how much, is against the law and will put you at risk for an Operating Under the Influence (OUI) arrest.
- Impaired driving is a criminal act regardless of whether a drug is purchased for medical or recreational use
- If you anticipate using marijuana, plan ahead for alternate transportation with a designated driver, a ride-share service, a taxi or the MBTA.

"Our research shows that many marijuana users believe they drive just as well, or even better, when high. The crash and fatality data indicate otherwise," **said Secretary of Public Safety and Security Thomas Turco.** "It's imperative that we educate marijuana users about the impairment associated with the use of marijuana and its potentially deadly consequences."

"The public health and safety of citizens throughout the Commonwealth remain a priority, and an integral part of our mission," **said Jennifer L. Flanagan, Commissioner of the Cannabis Control**

Commission. The work of the Baker-Polito Administration, as well as all parties here today will continue to support efforts to educate the public about the responsible use of marijuana,”

“Marijuana has the potential to impair a person’s ability to operate a vehicle safely. Marijuana can decrease car handling, performance and attention, while increasing reaction times, following distance and lane departure,” **said Mary Maguire, Director of Public and Legislative Affairs at AAA.** “Whether the use of marijuana is legal or not, all motorists must avoid driving while impaired.”

“The cannabis industry supports the safe use of marijuana, and we are glad to partner with the Commonwealth by working with our members to insert educational material to consumers at the point of purchase,” **said David Torrisi, Executive Director, Commonwealth Dispensary Association.**

Massachusetts Data On Impaired Driving:

- Marijuana was the most prevalent drug (aside from alcohol) found in drivers involved in fatal crashes from 2013-2017. It was found in 30 percent of drivers that had drugs in their system at the time of crash
- From 2013-2017, 11 percent of drivers in fatal crashes were found with both alcohol and drugs in their system
- From 2016 to 2017, alcohol-impaired driving fatalities (BAC .08 or higher) declined 19 percent from 148 to 120.
- From 2013-2017, men accounted for 78 percent of alcohol impaired drivers involved in fatal crashes
- From 2013-2017, drivers aged 21-34 accounted for 48 percent of all alcohol impaired drivers involved in fatal crashes

###